

REMARKS

In accordance with the foregoing, claim 5 has been amended to incorporate the allowable subject matter of claim 6, claim 6 has been cancelled without prejudice or disclaimer, and claims 1-5 and 7-20 are pending and under consideration. Entry is requested under 37 CFR 1.116 since the amendment simply responds to the issues raised in the final rejection, no new issues are raised, no further search is required, and the foregoing amendment is believed to remove the basis of the outstanding rejections and to place all claims in condition for allowance. The foregoing amendment further clarifies the claims to comport with the arguments previously presented, and could not have been made earlier because these issues had not previously been raised. No new matter is presented in this Amendment.

REJECTIONS UNDER DOUBLE PATENTING:

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent 6,744,713. Claims 2-4 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 9 of U.S. Patent 6,744,713. Claims 5-7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 32, 36 and 40 of U.S. Patent 6,744,713. Claims 8-11 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14 and 15 of U.S. Patent 6,744,713. Claim 12 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent 6,744,713. Claims 13-16, 18 and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 9 of U.S. Patent 6,744,713.

Applicants note that provisional obviousness-type double-patenting rejections are only applicable with co-pending applications. U.S. Patent 6,744,713 is not a pending application, but an issued patent. Nonetheless, since claims 1-16, 18, and 20 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature. As such, it is respectfully requested that Applicants be allowed to address any obviousness-type double patenting issues remaining once the rejections of the claims under 35 U.S.C. § 102 and 35

U.S.C. § 103 are resolved.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1 and 13 are rejected under 35 U.S.C. §102(e) as being anticipated by Ro et al. (U.S. Patent 6,288,989), hereinafter "Ro." The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 1, it is noted that claim 1 recites that "a **plurality of identical** write protection information is stored in physically separate locations." In contrast, Ro teaches a **plurality of different** overwrite prevention information for each program, each different overwrite prevention information being stored just once. Though Ro discloses the recording of a plurality of overwrite prevention information such that overwrite prevention information is recorded for each recorded audio/video program (FIG. 6 and column 8, lines 13-22), Ro does not teach a recording of a **plurality of identical** overwrite prevention information (i.e., a plurality of overwrite prevention information for each program). On page 2 of the Office Action, the Examiner asserts that Ro does teach a plurality of write protection information (FIG. 6). However, the Examiner does not address the present claim's recitation of a plurality of **identical** write protection information. Clearly, as illustrated in FIG. 6, the plurality of overwrite protection information in Ro is not identical. Each overwrite protection information is different in at least the "Title of Program" field and the "Position Data" field. Moreover, as Ro does not specifically require the overwrite protection information to be identical, the Examiner's position appears to be based upon inherency, which is not supported by the evidence of record. Therefore, the Applicants respectfully submit that Ro fails to disclose, implicitly or explicitly, a plurality of identical write protection information, as recited in claim 1.

Regarding the rejection of independent claim 13, it is noted that claim 13 recites a recording medium having at least two write protection information stored "**at the same time**." In contrast, Ro teaches recording overwrite prevention information, from among the plurality of overwrite prevention information, when the corresponding audio/video program is recorded (column 8, lines 31-36). That is, the plurality of overwrite prevention information is not recorded at the same time, as in claim 13, but rather at separate times based on the recording of the corresponding audio/video program. On page 3 of the Office Action, the Examiner states that Ro does disclose storing at least two write protection information at the same time, because the overwrite prevention information (or the passwords thereof) are recorded together with the

programs. However, the present claim does not recite that the write protection information is recorded at the same time as corresponding data; rather, the claim asserts that the at least two write protection information are recorded at the same time as each other (for example, first write protection information is recorded in a same recording operation as second write protection information). The programs of Ro are necessarily recorded in different recording operations (i.e., each program is recorded in a separate recording operation). Accordingly, the corresponding overwrite prevention information is also recorded in different recording operations and would have a different resulting structure as compared to write protection information written at the same time. Therefore, the Applicants respectfully submit that Ro fails to disclose, implicitly or explicitly, a storage of a plurality of write prevention information at the same time, as recited in claim 13.

Claims 8 and 9 are rejected under 35 U.S.C. §102(e) as being anticipated by Takahashi (U.S. Patent 6,236,541). As a point of clarification, the instant application claims priority to Korean Patent Application No. 98-54190, filed on December 10, 1998 in the Korean Intellectual Property Office. A certified copy of Korean Patent Application No. 98-54190 was filed in the United States Patent and Trademark Office as acknowledged by the Examiner on page 1 of the Office Action. Further, an English translation of Korean Patent Application No. 98-54190 along with a statement from the translator in compliance with 37 CFR 1.55(a)(4) was previously filed on January 4, 2008. As such, it is respectfully submitted that the Applicants have established a date of invention of at least December 10, 1998. MPEP 201.15. Since Takahasi has a U.S. filing date of April 23, 1999, which is after the date of invention of the present application, Takahasi does not qualify as prior art under 35 U.S.C. §102(e). Since Takahasi does not appear to otherwise qualify as prior art, it is respectfully requested that Examiner withdraw the rejection of claims 8 and 9 as being anticipated by Takahasi. **The Applicants previously submitted this argument in the Amendment filed on January 4, 2008.** The Examiner did not address this argument in the current Office Action, and has repeated the rejection under this invalid reference. The Applicants again respectfully request that the Examiner withdraw the rejection on the record.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 2, 4 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ro, and further in view of Yonemitsu et al. (U.S. Patent 5,793,779), hereinafter "Yonemitsu." The

Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 2, it is noted that claim 2 was amended in the Amendment filed on January 4, 2008 to incorporate the allowable subject matter of claim 3, which is rejected only on nonstatutory double patenting grounds. Therefore, the Applicants respectfully requested that the 103(a) rejection be withdrawn. In particular, Applicants note that claim 2 had been amended to incorporate a feature of claim 3, which the Examiner does not reject in view of the above combination. However, in the current Office Action, the Examiner has repeated the 103(a) rejection of independent claim 2, without addressing the added limitation. Therefore, the Applicants respectfully submit that Ro in view of Yonemitsu fails to disclose, implicitly or explicitly, the invention as recited in claim 2, and respectfully request that the Examiner withdraw the rejection on the record.

Regarding the rejection of claim 5, as with claim 2, claim 5 has been amended to incorporate the allowable subject matter of claim 6, which is rejected only on nonstatutory double patenting grounds. Therefore, the Applicants respectfully submit that Ro in view of Yonemitsu fails to disclose, implicitly or explicitly, the invention as recited in claim 5, and respectfully request that the Examiner withdraw the rejection on the record.

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

ALLOWABLE SUBJECT MATTER:

Claims 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date: JUNE 2, 2008

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